IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6683 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANSUKHLAL C PANDYA

Versus

G S R T C

Appearance:

MR PRABHAKAR UPADHYAY for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/07/2000

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. Challenge has been made by the petitioner who was working as a Driver with the Corporation to the award of the Labour Court dated 25th April, 1989 made in Reference

(LCR) No.1304 of 1983 whereunder the same was dismissed.

3. The petitioner was a Driver of the Corporation. While he was on duty as a Driver in the bus on Keshod Vanthli route on 5-3-1975, an accident had been caused by him as a result of which two persons died. He was convicted by the Criminal court and in appeal, the conviction was maintained but so far as the punishment was concerned, it was reduced to fine only. The services of the petitioner were brought to an end in exercise of powers as conferred upon the Corporation under regulation 81 of the Service regulations, which reads as under:

> 81. Notwithstanding the provisions of Regulation 81, the services of an employee if he has been convicted in a criminal court, or has been declared insolvent by a Competent court, shall be liable to be terminated without Notice by the Appointing Authority.

4. Regulation 81 is very clear and on conviction of an employee of the Corporation by a Competent Court, his services are liable to be terminated and that precisely has been done by the Corporation. The Labour Court has not committed any illegality whatsoever in rejecting the Reference of the petitioner.

5. In the result, this special civil applications fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-